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Mr. P ANJANEYULU :—"May I know whether it is with reference to this particular sub-court or with reference to other sub-courts also?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The question is restricted to one particular court and the answer also is restricted to it."

Criminal Justice

Instructions to the Public Prosecutor in connexion with mufassal cases coming up to the High Court.

*476 Q.—Mr. P. BHAKTAVATSULU NAYUDU: Will the hon. the Law Member be pleased to state—

(*a*) what was the practice hitherto followed by the mufassal police in the matter of instructing the Public Prosecutor, Madras, in cases coming up to the High Court;

(*b*) whether there has been any circular issued recently in this connexion by the Inspector-General of Police;

(*c*) if so, whether the Government will be pleased to place the circular on the table; and

(*d*) what is the estimated increase in expenditure in the matter of travelling allowances as a consequence of the new step?

A.—(*a*) In criminal appeals in the High Court the Public Prosecutor was usually instructed by the District Magistrates who invariably consulted the District Superintendents of Police.

(*b*) The Inspector-General of Police did not issue any circular but merely published in the *Police Gazette* the orders of Government issued in G.Os. Nos. 3346, Law (General), dated 22nd October 1927, and 3751, Law (General), dated 25th November 1927, and the Public Prosecutor's Circular No. 143, dated 5th March 1928.

(*c*) Copies[a] of the Government Orders and the Public Prosecutor's circular are appended.

(*d*) It is not possible to estimate the extra expenditure as no separate account of it is kept.

Mr. P. BHAKTAVATSULU NAYUDU :—"In answer to question (*d*), it is stated 'It is not possible to estimate the extra expenditure as no separate account of it is kept.' Will Government think of keeping a separate account at least in future in view of the large expenditure that is believed to be involved by these recent orders?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"In fact, there is no extraordinary expenditure due to the recent orders and so the Government do not think it necessary to keep such accounts."

Mr. DANIEL THOMAS :—"May I know whether ordinarily the records of the cases supplemented by the written instructions of the District Superintendent of Police and the District Magistrate will not be sufficient for the Public Prosecutor to deal with the cases?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"It is left to the Public Prosecutor to decide."

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[a] Printed as Appendix I on pages 340–342 infra.

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Mr. Daniel Thomas :—" May I know whether any case has been brought to the notice of the Government where a miscarriage of justice has occurred by reason of the absence of an instructing officer ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" No."

Mr. S. Satyamurti :—" Why was that order made then ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" The order was made at the instance of the Public Prosecutor."

Mr. Basheer Ahmad Sayeed :—" May I know whether it was because the Public Prosecutor found it not possible or he felt incompetent to carry on the prosecutions in the High Court without such an order ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" It will be noticed by my hon. Friend that the orders in question were passed during the time of Mr. Adam who had considerable experience and had served for more than ten years as Public Prosecutor."

Forests

Removal of forest boundaries to a distance of one mile from surrounding villages.

* 477 Q.—Mr. G. Harisarvottama Rao: Will the hon. the Law Member be pleased to state—

(*a*) what steps have been taken from 1923 to the end of June 1928 in the three forest districts of South, East and West Kurnool to move the boundaries of reserved forests away from villages whose agricultural lands or village-sites were situated within a mile or half a mile of such boundaries ; and

(*b*) how much of reserved forests were disafforested for this purpose ?

A.—(*a*) & (*b*) In cases where proximity of reserved forests to villages and cultivated lands cause real hardship to the ryots, the Government have set back the reserve boundaries by disafforesting such areas. The total area disafforested for this purpose during the period referred to is 4,619 acres.

Mr. G. Harisarvottama Rao :—" May I know from the hon. the Law Member how many villages have been given relief by disafforestation of the kind mentioned here ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" I can give the information ; I have it in my file ; if my hon. Friend will come to my room I can give him the information."

Mr. Mahmud Schamnad :—" May I know whether there is not real hardship in the case of the ryots of South Kanara on account of the proximity of the forests to cultivated lands ? "

The hon. the President :—" I think the hon. Member will have to give notice of a separate question because this relates only to Kurnool."